IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29253 of 2007(G)

PETITIONER:

BOARD OF DIRECTORS OF HEMAMBIKA HOUSING HOUSING CO-OPERATIVE SOCIEITY LTD.NO.P.822, AKATHETHARA,PALAKKAD-678 088 REPRESENTED BY ITS PRESIDENT P.C.JAYARAJ.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

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1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCEITIES (GENERAL) PALAKKAD.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCEITIES (GENERAL) PALAKKAD.

BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 29253 of 2007

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Dated this the 8th day of October, 2007

JUDGMENT

Petitioner is the Board of Directors of a Co-operative Society. They have approached this court seeking to challenge Ext.P6 and for a declaration that the Society is entitled to function under the present Managing Committee without illegal interference on the part of the respondents. Ext.P6 is a show cause notice calling upon the petitioner to explain as to why orders should not be passed under Section 71 of the Kerala Co-operative Societies Act for liquidating the Society.

2. I heard learned counsel for the petitioner and the Government Pleader. Sri.V.G. Arun, learned counsel for the petitioner would point out that none of the contingencies contemplated under Section 71 has been made out and the action is ill-motivated.

3. I notice that Ext.P6 is only a show cause notice. The petitioner has already given reply. It is also pointed out by the learned Government Pleader that petitioner has been heard. Since it is only a show cause notice, I do not think it necessary to interfere with the

matter. Certainly the second respondent is duty bound to consider each and every contention taken by the petitioner and arrive at a decision strictly in accordance with law. I further direct that the order to be passed will be communicated to the petitioner within two days of the taking of the decision.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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